Equality and Human Rights Commission

Contents

Minutes of the 111th meeting of the Board of the EHRC....2

Attending....2

Commissioners....2

Officers....2

Guests....2

1. Chairwoman's welcome and apologies....3

2. Declarations of interest....3

3. Minutes of the 110th Board meeting....3

4. Actions arising....3

5. Committee and Commissioner Working Group updates....3

6. CEO Report and Chairwoman's update....5

7. Corporate Values....6

8. Risk management policy, risk appetite 2023/24 and strategic risk register 2023/24....6

9. Governance update....6

Commissioner Working Group review, 2022-23....6

Board effectiveness action plan progress report....7

Framework document 2023....7

10. AOB....8

Minutes of the 111th meeting of the Board of the EHRC

16 May 2023 (15:10 to 18:20)
The Studio, 67 Hope Street, Glasgow, G2 6AE

Attending

Commissioners
Kishwer Falkner (Chairwoman), Eryl Besse (Deputy Chair), Alasdair Henderson (Deputy Chair), Arif Ahmed, Jess Butcher, Joanne Cash, David Goodhart, Kunle Olulode, Akua Reindorf, Su-Mei Thompson, Lesley Sawers (items 1 to 9)

Officers
Marcial Boo, Chief Executive Officer and Commissioner ex officio
Moya Alcock, Director, Communications
Cath Denholm, Chief Operating Officer
Melanie Field, Chief Strategy and Policy Officer
Jacqueline Killeen, Chief Regulator
Naomi Fawcitt, Principal, Head of Private Office
Ruth Latusek, Senior Associate, Governance Lead
Bill Malloy, Director, Finance, Governance and Planning (items 9 and 10)
Beverley Reid, Senior Principal, Head of Business Improvement (item 9)

Guests
Helen Anderson, Government Equality Hub (items 1 to 9)

Observing
Will Taylor, Senior Principal, Head of Strategy

1. Chairwoman's welcome and apologies

1.1 The Chairwoman welcomed attendees to the meeting in Glasgow. There were no apologies.

2. Declarations of interest

2.1 Arif Ahmed advised that he is a candidate to be a Director at the Office for Students. Arif Ahmed recused himself for the CEO report discussion on sex and gender in academia.

2.2 Helen Anderson recused herself for the discussion on the Framework Document.

3. Minutes of the 110th Board meeting (EHRC 111.01)

3.1 The Board approved the minutes of the meeting of 30 March subject to a minor amendment to paragraph 7.3.b.

4. Actions arising (EHRC 111.02)

4.1 The Board noted the action log. The Chairwoman advised she is content that everything is in hand and will be covered at this or future meetings and that the actions proposed for completion will be complete by the end of this meeting.

4.2 Commissioners enquired why the anti-bullying and harassment training materials had been commissioned externally. The Executive advised the training materials are standard and have not been commissioned 'from scratch' but have been reviewed by employment law experts. It was agreed that that Eryl Besse and Akua Reindorf should review the proposed training package with the Chairwoman.

Action: Director of People to share the draft anti-bullying and harassment training materials with the Chairwoman, Eryl Besse and Akua Reindorf for review.

5. Committee and Commissioner Working Group updates

5.1 The Chair of the Audit and Risk Assurance Committee (ARAC) advised that ARAC met on 26 April. This had been his first meeting as Chair and he thanked fellow Committee members and staff for the support he had received. He noted that the Commission has received its budget for 2023/24 and it has been designated to maximise delivery of the 2023/24 Business Plan; all planned internal audits for this year are complete; the service from the new internal auditors has been satisfactory; and the Committee will continue to keep a watching brief on the organisation's risk profile. The Committee will meet for a page turn review of the annual report and accounts on 25 May.

5.2 The Chief Operating Officer (COO) advised Commissioners that, following a query from ARAC regarding reporting progress against the recommendations from the Sub Committee of Accreditation (SCA) after our last NHRI review, it is proposed that the Leadership Team formally assess progress against the SCA's recommendations every six months and that an update is brought to the Board once a year, or sooner if required. The Board agreed this approach.

Action: COO to ensure that NHRI reaccreditation is scheduled for review by the Leadership Team every six months, and an update is provided to the Board once a year or sooner if required.

5.3 The Chair of the People and Workspaces Committee (P&WC) advised that the P&WC had not met since the last Board meeting, and the next meeting would be on 14 June.

5.4 The Chair of the Statutory Report Commissioner Working Group (CWG) advised that the CWG had not met since the last Board meeting, and it would next meet on 23 May and 4 June. He advised that the statutory report has been copyedited and the Chief Strategy and Policy Officer (CSPO) confirmed we are aiming for an October 2023 publication date.

5.5 The Chair of the Human Rights Monitoring CWG advised that the CWG will meet on 15 June for their next formal meeting which will be followed by an informal strategy discussion which interested Commissioners are welcome to attend. She advised that the team are looking at the list of issues distributed by the UN Committee on Economic, Social and Cultural Rights and the UK Response to the Universal Periodic Review recommendations to identify opportunities for targeted influencing and follow-up with the Government. The CWG will be reviewing the Commission's contributions to the joint report to the UN Committee on the Rights of Persons with Disabilities to inform the review of its 2016 inquiry. An internal working group has also been set up to discuss and agree changes to the Human Rights Tracker methodology, in line with the steers provided by the Board.

5.6 The Scotland Commissioner thanked Commissioners for coming to Glasgow for the Board meeting and joint session with the Scotland Committee and external stakeholders. She advised that the Committee has not had a formal meeting since the last Board meeting, and the next meeting is scheduled for 1 June. Recruitment is underway for two new members to start in September. The Chairwoman suggested that appointments could be approved by Chair's action if we wanted to appoint successful candidates before the September Board meeting. This was agreed.

5.7 The Wales Commissioner advised that the Wales Committee had a stakeholder meeting on 27 April, and the next formal meeting would be on 7 June. She noted that she and the CSPO met Welsh ministers on 26 April regarding gender recognition reform and our letter to the UK Government on the definition of 'sex' in the Equality Act.

6. CEO Report and Chairwoman's update (EHRC 111.03)

6.1 The Board noted the CEO report. They noted that Jessica Butcher's last ARAC meeting was on 26 April, that Joanne Cash would join ARAC as of 16 May, and that Joanne Cash and Arif Ahmed would become members of P&WC from its next meeting on 14 June. The Chairwoman thanked members for their contributions to date and in the future to these important Committees.

6.2 The Board agreed to write to Mr Victor Madrigal-Borloz, UN Independent Expert on Protection against violence and discrimination based on sexual orientation and gender identity, to raise objections to the characterisation of the Board's position in his end-of-mission statement following his country visit to the UK. They advised that the letter should counter Mr Madrigal-Borloz's incorrect assertion that our advice to the Government on clarifying the definition of 'sex' in the Equality Act might break the law, and that Mr Madrigal-Borloz did not demonstrate an understanding of how the UK's Equality Act and Gender Recognition Reform Act interact. It was agreed to publish the letter on our website.

Action: CSPO to draft a letter on behalf of the Chairwoman to Mr Victor Madrigal-Borloz to object to the characterisation of the Commission's position in his end-of-mission statement.

6.3 Kunle Olulode offered to be involved in engaging the Government on its one-year report on Inclusive Britain. He declared a potential conflict of interest as a former Commissioner for the Commission on Race and Ethnic Disparities.

6.4 Commissioners enquired whether the Commission would publish the report commissioned from the City University on sex and gender in academia. The CSPO advised that the Executive considers it would not be appropriate to publish the qualitative study without the broader context of the quantitative survey, due to methodological limitations. This was noted.

6.5 The CEO advised Commissioners that the Leadership Team had developed a detailed plan to gradually reduce the number of staff in the Commission, due to budget pressures, and offered to report to the Board at every meeting on progress. The Chairwoman advised Commissioners that more information on staff numbers would be provided to P&WC when it discusses estates options in June.

6.6 Commissioners, noting that office attendance is a society-wide issue post Covid, enquired about methods to record staff attendance in offices and whether we are reviewing our office spaces to rationalise overheads. The CEO advised that a system to monitor office attendance using internet connection is in place. He also confirmed that a review is underway of our estates options which will be shared with P&WC in June and the Board in September.

Action: Director of People to provide office attendance data, breakdown

of office costs and information on staff projections in the estates options paper going to P&WC in June and the Board in September.

6.7 The Scotland Commissioner advised that she has views on the future location of the Glasgow office when the current lease expires. The CEO confirmed that the Scotland and Wales Commissioners will be involved in decisions about property options in Glasgow and Cardiff respectively.

7. Corporate Values (EHRC 111.04, 111.04a)

7.1 The P&WC Chair advised that the Board had had a private discussion before the formal Board meeting and decided to postpone the Corporate Values discussion because there are other confidential issues that the Board wished to consider first. The Board would determine when the Values paper can be brought back for discussion.

Action: Director of People to present the Corporate Values to a future Board meeting when the Board advise to do so.

8. Risk management policy, risk appetite 2023/24 and strategic risk register 2023/24 (EHRC 111.05, 111.05a, 111.05b, 111.05c, 111.05d)

8.1 The Board approved the Corporate Risk Management Policy, the strategic risk appetite for 2023/24 following minor amendments to clarify language around stakeholder relationships, and the strategic and corporate risk register 2023/24.

8.2 The Chair of ARAC advised Commissioners that moving to a more strategic risk framework is a progressive step forward. He also noted concerns on the late delegation of the budget, which remains a live risk driver for 2023/24.

9. Governance update (EHRC 111.06, 111.07, 111.07a, 111.08)

Commissioner Working Group review, 2022-23

9.1 The Board discussed the proposals following the Commissioner Working Group review. They supported proposals to bring the two current Working Groups to a close over the course of this business year.

9.2 Regarding the proposal to establish a new 'Quality Assurance Committee', the Board agreed with the intention to build quality assurance processes around the Commission's reports, but that further proposals should be brought back to the Board in light of the following considerations:

a) the accountability and collective decision-making role of the Board, and its responsibility for sign off arrangements;
b) the Statutory Report and human rights monitoring require a level of detailed scrutiny and consistency with other important outputs, such as parliamentary, legal and policy briefings that are presently reviewed by the Chairwoman or Deputy Chair with lead responsibility for policy;
c) the need to avoid adding unnecessary layers of approval;

d) quality assurance should sit at every level of the organisation;
e) whether separate groups should look at different aspects of quality assurance (such as data, evidence, technology, tone, consistency and standards) and dissemination of reports (such as design, marketing, impact);
f) alternative and more ad hoc options to setting up a new standing committee, such as project-based and time-bound groups for individual projects as they arise;
g) how a new structure would enable Commissioners and staff to interact; and
h) participation of individual Commissioners should be based on the skills and knowledge requirements of any new arrangements.

Action: COO to further develop proposals regarding the Commissioner Working Group review considering Commissioners' feedback and bring them to the Board.

9.3 The Chairwoman advised that the Board, Communications and Legal teams do not have easy access to previous and current policy positions. The CSPO advised that the current system is being updated.

Action: CSPO to update the Chairwoman on the policy logging system or creating an alternative way of recording and accessing the Commission's policy positions.

Board effectiveness action plan progress report

9.4 The Board considered the update provided to the Board Improvement Plan. While it was noted that good progress had been made in several areas of the Plan, some questions were raised as to whether the Board had been appropriately involved in the development of the Plan. It was agreed to refer the Plan to ARAC for review in order to provide assurance to the Board on appropriate next steps.

Action: COO to provide the ARAC Chair with more background to the Board Improvement Plan and arrange a discussion at ARAC in June.

Framework document 2023

9.5 The Board agreed that the Commission should proceed to pursue the positions outlined in the paper, taking into account Commissioners' advice to ensure that any references to the SCA's recommendations or Paris Principles were checked for verbatim accuracy.

9.6 The Board noted that the Government Equality Hub will review the draft Framework Document with Cabinet Office officials and advise on requested changes. It was also noted that the Public Bodies Review self-assessment will be reviewed by the Equality Hub at the same time and may inform revisions to the Framework Document.

9.7 An updated draft of the Framework Document will be brought back to the Board in due course, with any substantive changes highlighted. Final approval

will be delegated to the Chairwoman and ARAC Chair. Both the review of the Framework Document and the Public Bodies Review would be finalised by the end of summer 2023.

Action: Director of Finance, Governance and Planning to provide Framework Document 2023 to a future Board meeting.

9.8 The Chairwoman updated Commissioners on the response from the Minister for Women and Equalities to our letter to her predecessor minister on our powers, budget and the Government's stated commitment in Inclusive Britain to provide funding support for the Commission. The Minister had advised that the Government do not think there is a case for changes to the way the Commission operates or works with Government, that the Commission's current powers are appropriate to enforce the Equality Act, and that the Commission's budget would not be increased at this time. The CEO advised Commissioners that we need to consider writing back to the Minister. It was agreed to consider raising this with the Chair of the Women and Equalities Committee and it was noted that the review of our Framework Document is an opportunity to discuss these matters with Cabinet Office officials.

Action: CEO to take stock of response from the Minister regarding our powers and budget and advise on next steps.

10. AOB (EHRC 111.09a, 111.09b, 111.09c, 111.09d)

10.1 The Chairwoman advised that the next Board meeting will be held in person in London on 21 June.

10.2 The Board noted the Forward Schedule, the draft minutes of the Wales Committee, the Statutory Report Commissioner Working Group, and the Scotland Committee meetings.